

## COUNTY OF FAIRFAX, VIRGINIA

### VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

MARILYN & WILSON LIVINGOOD, VC 2013-MV-010 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit construction of accessory structure in front yard of a lot containing 36,000 sq. ft. or less and to permit a stoop to remain 4.1 ft. from the side lot line. Located at 1804 Hunting Cove Pl., Alexandria, 22307, on approx. 8,835 sq. ft. of land zoned R-4. Mt. Vernon District. Tax Map 83-4 ((3)) (1) 19. Mr. Beard moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on September 25, 2013; and

WHEREAS, the Board has made the following findings of fact:

1. The owner of the property is the applicants.
2. The present zoning is R-4.
3. The lot area is 9,600 (sic) square feet.
4. The exceptional size at the time of the effective date.
5. The property was acquired in good faith.
6. Exceptional shape and topographical conditions.
7. A strict application of the Zoning Ordinance would effectively prohibit or unnecessarily restrict utilization of the property.

This application meets all of the following Required Standards for Variances in Section 18-404 of the Zoning Ordinance:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
  - A. Exceptional narrowness at the time of the effective date of the Ordinance;
  - B. Exceptional shallowness at the time of the effective date of the Ordinance;
  - C. Exceptional size at the time of the effective date of the Ordinance;
  - D. Exceptional shape at the time of the effective date of the Ordinance;
  - E. Exceptional topographic conditions;
  - F. An extraordinary situation or condition of the subject property, or
  - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.

4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
  - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or
  - B. The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purpose of this Ordinance and will not be contrary to the public interest.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

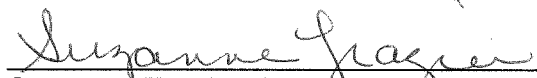
1. This variance is approved for the location and height of the accessory structure (garage) and the stoop and stairs as shown on the plat prepared by Dominion Surveyors Inc., titled "Plat Showing the Improvements on Lots 19 and Lot 20, Block 1, Section 1, Belle Haven," dated December 6, 2012, revised March 1, 2013, as submitted with this application, and is not transferable to other land.
2. Prior to commencement of, and during the entire construction process, the applicant shall install tree protection fencing at the drip line of the existing red maple tree located southwest of the dwelling in the front yard to protect this tree from construction activities. The protective fencing shall remain intact during the entire construction process, and shall be the maximum limit for clearing and grading. The applicant shall monitor the site to ensure that an inappropriate activity, such as the storage of construction equipment, does not occur within the area.
3. The garage shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards including requirements for building permits.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

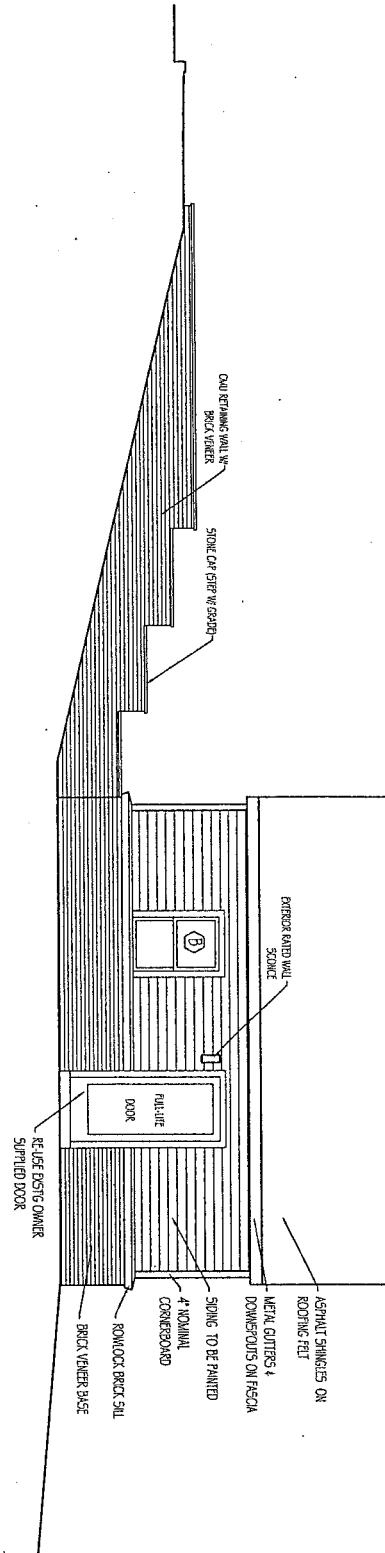
Mr. Smith seconded the motion, which carried by a vote of 5-0. Mr. Ribble recused himself from the hearing. Ms. Theodore was absent from the meeting.

A Copy Teste:

A handwritten signature in cursive script, reading "Suzanne Frazier", written over a horizontal line.

Suzanne Frazier, Deputy Clerk  
Board of Zoning Appeals

RIGHT ELEVATION

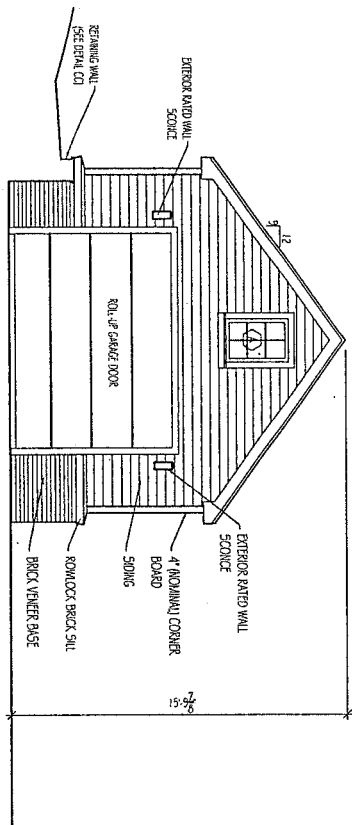


$\frac{1}{4}'' = 1'-0''$

WINDOW SCHEDULE			
WINDOW TYPE	WIDTH	HEIGHT	COMMENTS
1	2'-0"	3'-0"	
2	2'-0"	3'-0"	
3	2'-0"	3'-0"	

WINDOW NOTES:  
1. WINDOW SIZES GIVEN. SIZES TO BE COORDINATED WITH SELECTED  
2. ALL WINDOWS ARE TO HAVE R.O.D. AND SHUTTERS IN TWO PHASES

FRONT ELEVATION



$\frac{1}{4}'' = 1'-0''$

**D.J. CONSTRUCTION, LLC**  
**BUILDERS AND RENOVATORS**

4956 BRADLEY BLVD  
CHEVY CHASE, MD 20815

**LIVINGOOD RESIDENCE**  
**ACCESSORY GARAGE**

1804 HUNTING COVE PLACE  
ALEXANDRIA, VA

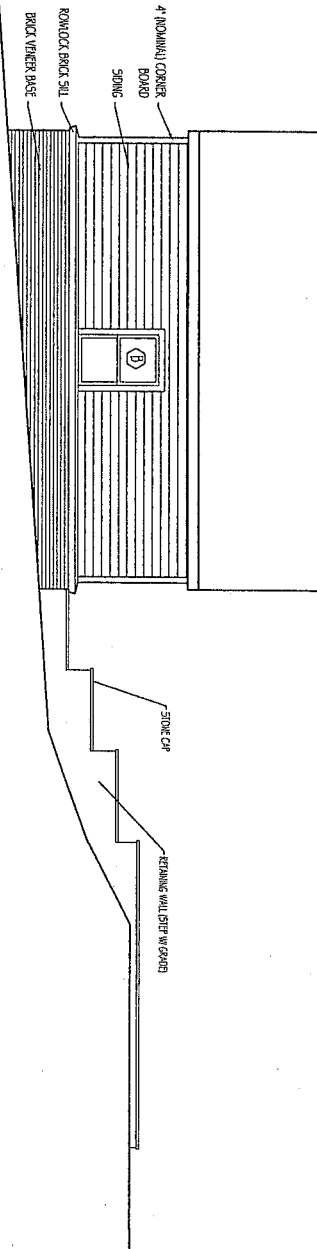
PERMIT SET

08.27.12

ELEVATIONS

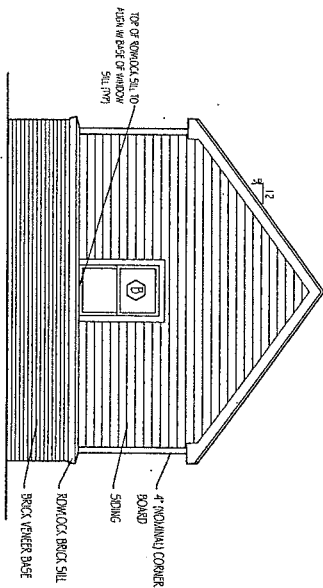
**A-2.1**

LEFT ELEVATION



2  
1/4" = 1'-0"

REAR ELEVATION



1  
1/4" = 1'-0"

LIVINGOOD RESIDENCE  
ACCESSORY GARAGE

1804 HUNTING COVE PLACE  
ALEXANDRIA, VA

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ELEVATIONS

A-2.2

